

**ENTERED**

January 30, 2017

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

DAVID PORTILLO CRUZ,  
*Plaintiff,*

V.

CAROLYN W. COLVIN,  
ACTING COMMISSIONER OF  
SOCIAL SECURITY,  
*Defendant.*

Civil Action H-15-3389

## **ORDER OF ADOPTION**

On December 28, 2016, Magistrate Stephen Wm. Smith issued a memorandum and recommendation (Dkt. 11) recommending that Plaintiff's motion for summary judgment be granted and the Commissioner's motion for summary judgment be denied. No objections have been filed. Having considered the record and law, the court hereby ADOPTS the memorandum and recommendation as this court's order.

It is therefore

ORDERED the Commissioner's decision denying Cruz disability benefits is vacated and this matter is remanded to the Commissioner for an award of benefits.

Signed at Houston, Texas, on January 27, 2017.

David Hittner  
DAVID HITTNER  
UNITED STATES DISTRICT JUDGE